

HOUSE BILL 95

E2

2lr1479

By: **Delegates Anderson and McDermott**
Introduced and read first time: January 19, 2012
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – District Court Commissioners – Arrest Warrants**

3 FOR the purpose of prohibiting a District Court Commissioner from issuing an arrest
4 warrant based solely on an application for statement of charges filed by a
5 person other than a peace officer or State’s Attorney; and generally relating to
6 powers of District Court Commissioners.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 2–607(c)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2011 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Courts and Judicial Proceedings**

15 2–607.

16 (c) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS**
17 **SUBSECTION, A** commissioner shall receive applications and determine probable
18 cause for the issuance of charging documents.

19 (2) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS**
20 **SUBSECTION, A** commissioner shall advise arrested persons of their constitutional
21 rights, set bond or commit persons to jail in default of bond or release them on
22 personal recognizance if circumstances warrant, and conduct investigations and
23 inquiries into the circumstances of any matter presented to the commissioner in order
24 to determine if probable cause exists for the issuance of a charging document, warrant,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or criminal summons and, in general, perform all the functions of committing
2 magistrates as exercised by the justices of the peace prior to July 5, 1971.

3 (3) There shall be in each county, at all times, one or more
4 commissioners available for the convenience of the public and police in obtaining
5 charging documents, warrants, or criminal summonses and to advise arrested persons
6 of their rights as required by law.

7 (4) A commissioner may exercise the powers of office in any county to
8 which the commissioner is assigned by the Chief Judge of the District Court or a
9 designee of the Chief Judge of the District Court.

10 (5) The Chief Judge of the District Court may authorize one or more
11 commissioners to perform the duties of a commissioner regarding persons arrested in
12 a county other than the county in which the commissioner resides and for which the
13 commissioner was appointed when the arrested persons are brought before the
14 commissioner by a peace officer of the jurisdiction in which that arrest was made.

15 **(6) A COMMISSIONER MAY NOT ISSUE AN ARREST WARRANT**
16 **BASED SOLELY ON AN APPLICATION FOR STATEMENT OF CHARGES FILED BY A**
17 **PERSON OTHER THAN A PEACE OFFICER OR STATE'S ATTORNEY.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.